



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/553,022	10/11/2005	Speith-Herfurth Angela	05581-00141-US	6687
23416 7590 09/16/2009 CONNOLLY BOVE LODGE & HUTZ, LLP P O BOX 2207 WILMINGTON, DE 19899				
EXAMINER HUANG, CHENG YUAN				
ART UNIT		PAPER NUMBER		
1794				
MAIL DATE		DELIVERY MODE		
09/16/2009		PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

**Application No.**

10/553,022

**Applicant(s)**

ANGELA ET AL.

**Examiner**

CHENG HUANG

**Art Unit**

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 June 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SF/ICE)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Election/Restrictions***

1. In light of applicants election of Group I, claims 1-13 and 15 (see paragraphs 2-3 below), it is noted that the status identifier of claim 14 should be "withdrawn" and not "previously presented".
2. Applicant's election with traverse of Group I, claims 1-13 and 15 in the reply filed on 4 June 2009 is acknowledged. The traversal is on the ground(s) that since there was not a lack of unity in the examination of the PCT application, the restriction requirement should be withdrawn. Furthermore, Applicant argues that a search and examination of the entire application would not place a serious burden on the Examiner. This is not found persuasive because while all claims were examined in the PCT application, this is not relevant to the present US case. Furthermore, the traversal on the ground(s) that the previous Office Action did not establish an undue search burden of the claims as specified by MPEP 803, is not found persuasive because the instant application is a national stage entry filed under 35 U.S.C. 371 and is therefore not subject to US restriction practice but rather subject to lack of unity practice, see MPEP 1893.03(d). It is noted that undue search burden is not a criterion in lack of unity analysis. The test is whether or not special technical features can be established. It is noted that inventions listed as Groups I and II do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features as set forth in paragraph 2 of the previous Office Action.
3. The requirement is still deemed proper and is therefore made FINAL.

4. Claim 14 is withdrawn from further consideration pursuant to 37 CFR 1.142(b), as being drawn to a nonelected invention, there being no allowable generic or linking claim. Applicant timely traversed the restriction (election) requirement in the reply filed on 04 June 2009.

### ***Claim Objections***

5. Claim 4 is objected to because of the following informalities: In the second to last line of the claim, there appears to be a mistake for "hydrated" instead of "hydrogenated" alpha-methylstyrene-vinyl toluene copolymer. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 1-5, 8-11, and 13 are rejected under 35 U.S.C. 102(b) as being anticipated by Demeuse (U.S. Patent No. 6,165,599) and as evidenced by Crass et al. (U.S. Patent No. 4,786,533).

8. Regarding claim 1, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) made of a base layer and at least one first cover layer (col. 3, lines 65-67, col. 4, lines 57-59), characterized in that the base layer has a hydrocarbon resin (col. 3, lines 61-63) and the cover layer has a cold sealing adhesive coating on its outer surface (col. 5, lines 10-15).

9. Regarding claim 2, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the base layer contains an isotactic polypropylene (col. 3, lines 14-20).

10. While Demeuse does not explicitly disclose the melting point of the isotactic polypropylene, it is inherent that the melting point of isotactic polypropylene is not less than about 140°C, as evidenced by Crass et al. (col. 2, lines 16-22), which anticipates the claimed range of 155-165°C.

11. Regarding claim 3, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the base layer contains the hydrocarbon resin in a quantity of up to about 15 weight percent (col. 2, lines 54-59), which overlaps the claimed range of 5 to 20 weight-percent, in relation to the weight of the base layer.

12. Regarding claim 4, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the hydrocarbon resin contains a non-hydrogenated styrene polymer, a methylstyrene- styrene copolymer, cyclopentadiene polymer, an  $\alpha$ -pinene polymer,  $\beta$ -pinene polymer, or terpene polymers and hydrogenated compounds thereof, or hydrated  $\alpha$ -methylstyrene-vinyl toluene copolymer or mixtures thereof (col. 3, lines 29-55).

13. Regarding claim 5, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the hydrocarbon resin has a softening point of less than about 140°C (col. 3, lines 58-59), which overlaps the claimed range of 100 to 160°C.

14. Regarding claim 8, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that a second cover layer made of polyolefinic polymers is applied to the diametrically opposite surface of the base layer (col.4, lines 58-61 and col. 5, lines 6-8).

15. Regarding claim 9, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that a release layer is applied to the surface diametrically opposite the first cover layer as the outer layer (col.4, lines 58-61 and col. 5, lines 16-18), whose surface is deemed to have a low adhesion in relation to cold sealing coatings since it is of a releasing nature.

16. Regarding claim 10, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) wherein the release layer is a release film and/or a second coextruded cover layer (col. 5, lines 16-18, col. 6, lines 28-32).

17. Regarding claim 11, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the base layer contains an antistatic agent (col. 6, lines 60-61).

18. Regarding claim 13, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the first cover layer contains antiblocking agent (col. 6, line 61).

***Claim Rejections - 35 USC § 103***

19. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

Art Unit: 1794

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

20. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459

(1966), that are applied for establishing a background for determining obviousness under 35

U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

21. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse (U.S.

Patent No. 6,165,599) in view of Crass et al. (U.S. Patent No. 4,786,533).

22. Demeuse is relied upon as disclosed above.

23. Regarding claim 6, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36) characterized in that the first cover layer is synthesized from propylene terpolymers (col. 5, lines 6-8).

24. Demeuse fails to teach wherein the propylene copolymers and terpolymers having a propylene content of at least 80 weight-percent in relation to the polymer.

25. However, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the first cover layer is synthesized from propylene copolymers or propylene terpolymers or mixtures of these polymers, wherein the propylene copolymers and terpolymers has a propylene content of about 93.2 to 99.0 weight percent (col. 3, lines 33-41), which falls within the claimed range of at least 80 weight-percent in relation to the polymer.

26. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose the propylene content of the propylene copolymers and terpolymers of Demeuse, including those of the claimed range for stability in rigidity (Crass et al., col. 1, lines 18-21 and 40-41).

27. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse (U.S. Patent No. 6,165,599) in view of Wilkie et al. (U.S. Patent No. 5,482,780).

28. Demeuse is relied upon as disclosed above.

29. Regarding claim 7, Demeuse fails to teach the surface of the first cover layer being treated using corona, plasma, or flame.

30. However, Wilkie teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) characterized in that the surface of the first cover layer is pretreated using corona or flame (col. 4, lines 27-31).

31. It would have been obvious to one of ordinary skill in the art at the time of the invention to using corona or flame treatment on the surface of the first cover layer of Demeuse to improve the bond between the surface of the first cover layer and the cold sealing adhesive (Wilkie et al., col. 4, lines 24-27).

32. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Demeuse (U.S. Patent No. 6,165,599) in view of Murschall et al. (U.S. Patent No. 5,436,041).

33. Demeuse is relied upon as disclosed above.

34. Regarding claim 12, Demeuse fails to teach neutralization agents and stabilizers.



35. However, Murschall et al. teaches the polypropylene film characterized in that all layers of the film contain neutralization agents and stabilizers (col. 7, lines 57-63).

36. It would have been obvious to one of ordinary skill in the art at the time of the invention to include neutralization agents in the film of Demeuse to control pH.

37. Regarding claim 15, Demeuse fails to teach wherein said antistatic agent is tertiary aliphatic amine.

38. However, Murschall et al. teaches the polypropylene film wherein said antistatic agent is tertiary aliphatic amine (col. 8, lines 3-7).

39. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a tertiary aliphatic amine in the film of Demeuse for eliminating the effects of static electricity.

40. Claims 1-6, 11, and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. (U.S. Patent No. 4,786,533) in view of Demeuse (U.S. Patent No. 6,165,599).

41. Regarding claim 1, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) made of a base layer (col. 2, lines 16-18) and at least one first cover layer (col. 3, lines 27-28), characterized in that the base layer has a hydrocarbon resin (col. 2, lines 4-7) and the cover layer has a cold sealing adhesive coating on its outer surface (col. 3, lines 27-28 and 51-53).

42. Crass et al. fails to explicitly disclose the film being biaxially oriented.

43. However, Demeuse teaches a multilayered transparent biaxially oriented polypropylene film (col. 3, lines 7-9, lines 65-67, col. 4, line 36).

44. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose to biaxially orient the film of Crass et al. to improve the tensile strength and tensile modulus (Demeuse, col. 6, lines 37-40).

45. Regarding claim 2, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the base layer contains an isotactic polypropylene having a melting point of not less than 140°C (col. 2, lines 17-22), which encompasses the claimed range of 155-165°C.

46. Regarding claim 3, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the base layer contains the hydrocarbon resin in a quantity of about 10 to 40 weight percent (col. 2, lines 5-9), which overlaps the claimed range of 5 to 20 weight-percent, in relation to the weight of the base layer.

47. Regarding claim 4, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the hydrocarbon resin contains a non-hydrogenated styrene polymer, a methylstyrene- styrene copolymer, cyclopentadiene polymer, an  $\alpha$ -pinene polymer,  $\beta$ -pinene polymer, or terpene polymers and hydrogenated compounds thereof, or hydrated  $\alpha$ -methylstyrene-vinyl toluene copolymer or mixtures thereof (col. 2, line 49-col. 3, line 11).

48. Regarding claim 5, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the hydrocarbon resin has a softening point of 60 to 180°C (col. 3, lines 11-12), which encompasses the claimed range of 100 to 160°C.

49. Regarding claim 6, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the first cover layer is synthesized from propylene copolymers or propylene terpolymers or mixtures of these polymers, wherein the propylene

copolymers and terpolymers has a propylene content of about 93.2 to 99.0 weight percent (col. 3, lines 33-41), which falls within the claimed range of at least 80 weight-percent in relation to the polymer.

50. Regarding claim 11, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the base layer contains an antistatic agent (col. 4, lines 3-6).

51. Regarding claim 13, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the first cover layer contains antiblocking agent (col.4, lines 8-12).

52. Claims 7-10 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. (U.S. Patent No. 4,786,533) in view of Demeuse (U.S. Patent No. 6,165,599) and Wilkie et al. (U.S. Patent No. 5,482,780).

53. Crass et al. in view of Demeuse is relied upon as disclosed above.

54. Regarding claim 7, Crass et al. fails to teach the surface of the first cover layer being treated using corona, plasma, or flame.

55. However, Wilkie teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) characterized in that the surface of the first cover layer is pretreated using corona or flame (col. 4, lines 27-31).

56. It would have been obvious to one of ordinary skill in the art at the time of the invention to using corona or flame treatment on the surface of the first cover layer of Crass et al. to improve the bond between the surface of the first cover layer and the cold sealing adhesive (Wilkie et al., col. 4, lines 24-27).

57. Regarding claim 8, Crass et al. fails to teach wherein a second cover layer made of polyolefinic polymers is applied to the diametrically opposite surface of the base layer.

58. However, Wilkie et al. teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) characterized in that a second cover layer (the cold release layer) made of polyolefinic polymers (ethylene and propylene, col. 3, line 22) is applied to the diametrically opposite surface of the base layer (col. 2, line 66-col. 3, line 1).

59. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a second cover layer of polyolefinic polymers on the film of Crass et al. for release properties.

60. Regarding claim 9, Crass et al. fails to teach a release layer is applied to the surface diametrically opposite the first cover layer as the outer layer, whose surface has a low adhesion in relation to cold sealing coatings.

61. However, Wilkie et al. teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) characterized in that a release layer (the cold release layer) is applied to the surface diametrically opposite the first cover layer as the outer layer (col. 2, line 66-col. 3, line 1), whose surface demonstrates "good to excellent" cold seal release (C.S.R.) (col. 7, lines 45-46) which is a teaching of the surface of the release layer being of low adhesion in relation to cold sealing coatings.

62. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a release layer on the film of Crass et al. for release.

63. Regarding claim 10, Crass et al. fails to teach the release layer is a release lacquer, a release film, or a second coextruded cover layer.

64. However, Crass et al. as modified by Demeuse and Wilkie et al. teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) characterized in that the release layer (the cold release layer) is a release film and a second coextruded cover layer (col. 5, line 37).

65. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Crass et al. (U.S. Patent No. 4,786,533) in view of Demeuse (U.S. Patent No. 6,165,599) and Murschall et al. (U.S. Patent No. 5,436,041).

66. Crass et al. in view of Demeuse is relied upon as disclosed above.

67. Regarding claim 12, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that all layers of the film contain stabilizers (col. 4, lines 3-7).

68. Crass et al. fails to teach neutralization agents.

69. However, Murschall et al. teaches the polypropylene film characterized in that all layers of the film contain neutralization agents and stabilizers (col. 7, lines 57-63).

70. It would have been obvious to one of ordinary skill in the art at the time of the invention to include neutralization agents in the film of Crass et al. as modified by Demeuse to control pH.

71. Regarding claim 15, Crass et al. fails to teach wherein said antistatic agent is tertiary aliphatic amine.

72. However, Murschall et al. teaches the polypropylene film wherein said antistatic agent is tertiary aliphatic amine (col. 8, lines 3-7).

73. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a tertiary aliphatic amine in the film of Crass et al. as modified by Demeuse for eliminating the effects of static electricity.

74. Claims 1-11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie et al. (U.S. Patent No. 5,482,780) in view of Crass et al. (U.S. Patent No. 4,786,533).

75. Regarding claim 1, Wilkie et al. teaches a multilayered biaxially oriented polypropylene film (col. 5, lines 1-7) made of a base layer (the core layer) and at least one first cover layer (the cold seal receptive layer) characterized in that the cover layer has a cold sealing adhesive coating (cold seal composition, col. 1, lines 22-25) on the outer surface of the cover layer (col. 3, lines 2-4).

76. Wilkie et al. fails to teach wherein the base layer has a hydrocarbon resin.

77. However, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) made of a base layer (col. 2, lines 16-18), characterized in that the base layer has a hydrocarbon resin (col. 2, lines 4-7).

78. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a hydrocarbon resin in the film of Wilkie et al. to control the modulus of elasticity of the film (Crass et al., col. 3, lines 19-26).

79. While Wilkie et al. fails to explicitly state the transparency of the film, besides it having "excellent optics" (col. 2, line 30), the film of Wilkie et al. as modified by Crass et al. is reasonably expected to be highly transparent since the invention of Wilkie et al. as modified by Crass et al. comprises similar, if not identical, materials to those of the instantly claimed invention including a base layer comprising biaxially oriented isotactic polypropylene (Wilkie et al., col. 3, line 65-col. 4, line 2, col. 5, line 7) and a cover layer comprising propylene copolymer (Wilkie et al., col. 4, lines 18-21).

80. Regarding claim 2, Wilkie et al. teaches the polypropylene film characterized in that the base layer contains an isotactic polypropylene (col. 3, lines 65-66).

81. Wilkie et al. does not explicitly state the melting point of the isotactic polypropylene.

82. However, Crass et al. teaches a multilayered transparent polypropylene film (See Abstract) characterized in that the base layer contains an isotactic polypropylene having a melting point of not less than 140°C (col. 2, lines 17-22), which encompasses the claimed range of 155-165°C.

83. It would have been obvious to one of ordinary skill in the art at the time of the invention to choose the melting point of isotactic polypropylene to include those of the claimed range for the base layer of Wilkie et al. to control the physical state of the film with respect to temperature.

84. Regarding claims 3, 4, and 5, Wilkie et al. fails to teach hydrocarbon resin.

85. However, Wilkie et al. as modified by Crass et al. teaches a multilayered transparent polypropylene film (Wilkie et al., col. 5, lines 1-7) characterized in that the base layer contains the hydrocarbon resin in a quantity of about 10 to 40 weight percent (Crass et al, col. 2, lines 5-9), which overlaps the claimed range of 5 to 20 weight-percent, in relation to the weight of the base layer and wherein the hydrocarbon resin contains a non-hydrogenated styrene polymer, a methylstyrene- styrene copolymer, cyclopentadiene polymer, an  $\alpha$ -pinene polymer,  $\beta$ -pinene polymer, or terpene polymers and hydrogenated compounds thereof, or hydrated  $\alpha$ -methylstyrene-vinyl toluene copolymer or mixtures thereof (Crass et al, col. 2, line 49-col. 3, line 11) and has a softening point of 60 to 180°C (Crass et al, col. 3, lines 11-12), which encompasses the claimed range of 100 to 160°C.

86. Regarding claim 6, Wilkie et al. teaches the polypropylene film characterized in that the first cover layer (the cold seal receptive layer) is synthesized from propylene copolymers (col. 4, lines 19-22). Wilkie et al. also teaches the propylene copolymers having a propylene content of about 92 to 98 weight-percent, which falls within the claimed at least 80 weight-percent in relation to the polymer.

87. Regarding claim 7, Wilkie et al. teaches the polypropylene film characterized in that the surface of the first cover layer is pretreated using corona or flame (col. 4, lines 27-31).

88. Regarding claim 8, Wilkie et al. teaches the polypropylene film characterized in that a second cover layer (the cold release layer) made of polyolefinic polymers (ethylene and propylene, col. 3, line 22) is applied to the diametrically opposite surface of the base layer (col. 2, line 66-col. 3, line 1).

89. Regarding claim 9, Wilkie et al. teaches the polypropylene film characterized in that a release layer (the cold release layer) is applied to the surface diametrically opposite the first cover layer as the outer layer (col. 2, line 66-col. 3, line 1), whose surface demonstrates "good to excellent" cold seal release (C.S.R.) (col. 7, lines 45-46) which is a teaching of the surface of the release layer being of low adhesion in relation to cold sealing coatings.

90. Regarding claim 10, Wilkie et al. teaches the polypropylene film characterized in that the release layer (the cold release layer) is a release film and a second coextruded cover layer (col. 5, lines 35-37).

91. Regarding claim 11, Wilkie et al. teaches the polypropylene film characterized in that the base layer contains an antistatic agent (col. 3, lines 52-57).



92. Regarding claim 13, Wilkie et al. teaches the polypropylene film characterized in that the first cover layer contains antiblocking agent (col. 3, lines 52-57).

93. Claims 12 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wilkie et al. (U.S. Patent No. 5,482,780) in view of Crass et al. (U.S. Patent No. 4,786,533) and Murschall et al. (U.S. Patent No. 5,436,041).

94. Wilkie et al. in view of Crass et al. is relied upon as disclosed above.

95. Regarding claim 12, Wilkie fails to teach wherein all layers of the film contain neutralization agents and stabilizers.

96. However, Murschall et al. teaches the polypropylene film characterized in that all layers of the film contain neutralization agents and stabilizers (col. 7, lines 57-63).

97. It would have been obvious to one of ordinary skill in the art at the time of the invention to include neutralization agents and stabilizers in the film of Wilkie et al. as modified by Crass et al. to control pH and stability.

98. Regarding claim 15, Wilkie et al. fails to teach wherein said antistatic agent is tertiary aliphatic amine.

99. However, Murschall et al. teaches the polypropylene film wherein said antistatic agent is tertiary aliphatic amine (col. 8, lines 3-7).

100. It would have been obvious to one of ordinary skill in the art at the time of the invention to include a tertiary aliphatic amine in the film of Wilkie et al. as modified by Crass et al. for eliminating the effects of static electricity.

***Response to Arguments***

101. Applicant's arguments with respect to claim 1-15 have been considered but are moot in view of the new ground(s) of rejection as set forth above.

102. Applicant's arguments overcome the 35 U.S.C. 112, second paragraph rejections of record.

***Conclusion***

103. Any inquiry concerning this communication or earlier communications from the examiner should be directed to CHENG YUAN HUANG whose telephone number is (571) 270-7387. The examiner can normally be reached on Monday-Thursday from 8 AM to 4 PM.

104. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Callie Shosho, can be reached at 571-272-1123. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

105. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would

Art Unit: 1794

like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/C. H./

Cheng Yuan Huang

Examiner, Art Unit 1794

September 10, 2009

/Callie E. Shosho/

Supervisory Patent Examiner, Art Unit 1794